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**MAYOR AND COUNCIL
WORK SESSION/COUNCIL MEETING
BOROUGH HALL ANNEX
JULY 10, 2006
7:30pm**

A Work Session of the Mayor and Council of the Borough of Leonia, Bergen County, New Jersey was held this evening in the Borough Hall Annex at 7:30 pm.

Council Present *Mayor Laurence Cherchi, Councilpersons Hawkins, Heveran, Mitrani, Ryan, Puzzo*

Council Absent *Councilman Raucci*

Also Present *Fran Lehmann, Borough Clerk, Brian Giblin Borough Attorney*

Mayor Cherchi called the meeting to order.

Mayor Cherchi asked everyone to stand while Councilwoman Heveran led in the Pledge of Allegiance.

Mayor Cherchi pointed out the Fire Exit.

OPEN MEETING STATEMENT

Conditions of the Open Meeting Act have been met by Notice placed on the Bulletin Board at Borough Hall and notice has been sent to the Official Newspaper.

PRESENTATIONS

Borough Engineer, Ann Brown spoke to the Governing Body regarding various engineering projects. Councilman Puzzo inquired if the dome suggested is big enough for a shared service with another Municipality? The Borough Engineer stated both domes were big enough to handle shared service.

Councilman Hawkins asked if it were a prefabricated dome. The Borough Engineer explained the construction of the dome. Councilman Hawkins expressed concern over the cost of the salt dome. Councilman Ryan noted that in the past the quotes for the shed had ranged from \$40,000 - \$80,000. Mayor Cherchi reminded everyone that the Borough has a DEP violation and this issue needs to be addressed. Mayor Cherchi also inquired if Ms. Brown had seen the previous engineer's proposal. Ms. Brown stated no. She will look into other manufacturers and see if she can get a better price.

Downtown Grants Phase II & III the funding will be released in October of 2006. The internal DEP/DOT report was not received in time for last year's funding.

47 Everything for the Borough is Completed. Ms. Brown is going to meet with the
48 DOT Representative. The Borough has been approved for the grant; the delay was
49 due to a State Agency.

50
51 Broad Avenue and Fort Lee Road Intersection – the bids are going to be received
52 by the “County” on July 13, 2006. Ann Brown will coordinate the project. She
53 will know the start date of the project once there is a pre-construction meeting.

54
55 Councilwoman Mitrani referred to Ms. Brown’s letter of June 20th regarding
56 School Safety Phase II. Ms. Brown explained it is an old project to notify vehicles
57 of the school zone, with signs that have flashing yellow lights. Councilman
58 Hawkins would like sustainability to be included in future projects for the
59 Borough.

60
61 2005 Road Program is completed the contractor is working on the punch list.

62
63 2006 Road Program – Ready to go out to bid. There have been questions by
64 residents on the upper end of Highwood regarding drainage work. Mr. Saitta
65 would like to meet with the residents to explain the proposed drainage plans.
66 Ms. Brown explained the scope of the program.

67
68 Councilwoman Mitrani referred to a memo regarding Sylvan Park. Ms. Brown
69 explained the problem with the sprinkler heads. They have been repaired.

70
71 Green Acres Application – Ms Brown was in contact with the office and the
72 Borough will hear from State by the end of July.

73
74 Spring Street – the survey and engineering has been completed, the plans will be
75 submitted to the DEP and this takes three months for review. A response from the
76 DEP should come around the end of September to mid-October.

77
78 Fort Lee Road Intersection – Mayor Cherchi asked for an explanation regarding
79 some changes that were made in the plans. Ms. Brown explained the changes.

80
81 Magnolia Place and Beechwood Place – the contractor will start with construction
82 within a week of settling the insurance issue. Mayor Cherchi asked the Borough
83 Attorney to explain the insurance. Mr. Giblin explained the insurance. The project
84 will be done by the end of the summer.

85 Mayor Cherchi addressed concerns of drainage from leader pipes into the
86 Borough roads. Ms. Brown explained what is being done currently with various
87 road projects.

88
89
90 Tax Assessor, Timothy Henderson – Spoke to the Governing Body regarding the
91 revaluation orders. Mr. Henderson explained to the Governing Body the steps
92 needed to start the revaluation process. The first requirement will be to send the

93 tax maps to the State. Councilman Hawkins asked for an explanation of
94 reassessment and revaluation. Mr. Henderson explained the difference. Mayor
95 Cherchi asked if the Council was in favor of sending the tax maps for evaluation
96 all in favor, none opposed. Mr. Henderson will request an extension until 2008.

97
98 Borough Attorney Giblin explained the process needed for getting quotes from
99 companies to the revaluation.

100
101 Mr. Robert Farrell from Leonia Retirement Housing introduced members of the
102 Board who were present. Mr. Farrell thanked the Council for allowing them to
103 make the presentation. The Senior Housing Group is looking to have their
104 Ordinance introduced so they can move forward with site plan approval from the
105 Planning Board and arranging the funding for the project. Mayor Cherchi
106 explained the report from the CFO. Councilman Ryan spoke about the impact
107 regarding the neighbors to the housing project. Mr. Farrell noted that the
108 neighbors will be notified with the site plan approval. Councilman Hawkins asked
109 for a brief idea the services utilized by the existing building for emergency
110 services (fire and ambulance). Mr. Farrell didn't have a record of those calls with
111 him. Mr. Hawkins noted that fire calls have been limited. Ms. Coughlin said she
112 could provide the number of ambulance calls at a later time she did not have that
113 information with her. Council President Puzzo requested Mr. Pumo explain the
114 grant money the group is applying for, and the impact of the decision of the
115 Council and the timing necessary. Mr. Pumo referred the request to Sharon Levy
116 the funding consultant for the program. Ms. Levy explained they have applied for
117 HUD 202 funding, and are trying to set up applying for HOME through the
118 County of Bergen CDBG. The application needs to be completed by October. In
119 order to be considered favorably the zoning needs to be in place and site plan in
120 place to show that once the funding is approved the project is ready to proceed.
121 Councilman Hawkins asked if the group was a non-for-profit 501c3? Ms. Levy
122 stated they were a 501c3. Council President Puzzo inquired if they were going to
123 remain that way. Ms. Levy said yes they would. Mr. Farrell stated the key to
124 receiving the funding is Borough approval with the ordinance. Council President
125 Puzzo asked if it were critical this year to have the funding in place? Mr. Farrell
126 explained they hope to apply the county funding for soft costs (architectural and
127 legal fees). Ms. Levy explained the time process for applying for the funding.
128 Mayor Cherchi asked if was a common process for an existing Senior Housing to
129 expand or have the wherewithal to expand? Ms. Coughlin answered the Mayor's
130 question. Councilwoman Mitrani asked about the PILOT program? Ms. Levy
131 explained why the Senior Housing has requested 4% for the PILOT program.
132 Councilman Hawkins inquired if any grants were looked into for sustainability?
133 Ms. Levy explained funding is available from the State of New Jersey under the
134 Green Homes Program. Councilwoman Mitrani asked for a clarification on the
135 4%, 6%, or 15% where does the money come from? Ms. Levy explained the
136 money comes from the rent roles. Councilwoman Mitrani asked how much the
137 rent roles increase each year. Ms. Levy stated 2%, and operating expenses are at
138 3%. Councilwoman Mitrani requested a further clarification. Ms. Levy explained.

Council President Puzzo inquired if it is historically a 2% increase. Ms. Levy explained that the housing is HUD subsidy that rent is \$630 a month, some of which is paid by the tenant and some from HUD. It is governed by Federal Regulations. Councilman Hawkins asked what the revenue would be for 4% and 6%? Ms. Levy explained. Council President asked if it is historically the same increase. Mr. Farrell explained it is Section 8 housing. It is all governed by the Government. Mayor Cherchi inquired how the government decides how much the Housing is going to receive. Ms. Levy explained it is done by an appraisal. The agencies tell the Housing how much they can charge each year. Each resident pays 30% of their income for rent. The subsidy from HUD pays the difference. Mr. Farrell further explained how the rent subsidy is handled. Mayor Cherchi questioned the lease that the Borough has with Senior Housing. Mr. Farrell explained how the amount of funds that the Borough receives is figured. Mayor Cherchi inquired if at some point the person who is renting the unit could purchase it. Mr. Farrell explained the restrictions.

PUBLIC COMMENTS

Alexander Atheras – 244 Hillside Avenue- suggested they do some test boring regarding the possibility of a stream running through the property. Mr. Atheras questioned if a strip mall is being built at the top of the hill that wants to tie into the Borough sewer lines. Mayor Cherchi explained this is the Cumberland Farms project. It is a gas station with a convenience store. The property is in Fort Lee and they have requested the tie into our sewer line. Mr. Atheras questioned if there is a law that prohibits someone from connecting to a sewer line? Mr. Atheras feels that a stop sign needs to be posted on CVS property. Mr. Giblin explained the State Law. Mr. Atheras also questioned why no has forced CVS to install the shrubs that were required when they received the approval. Mayor Cherchi stated this is a Planning Board issue. Mr. Atheras also questioned the signs CVS have up on their buildings. Mr. Atheras asked if there is anything regarding eminent domain on Spring Street? The Council had no knowledge of anything of such occurring on Spring Street. Councilman Ryan told Mr. Atheras that the Cumberland Farms project is going to be heard Monday, July 17 in Fort Lee. Councilman Hawkins stated the group came and made a presentation to the Governing Body who requested some changes which they agreed to do. They are already connected to the sanitary sewer line. They are also making some improvements along Christie Lane.

Peter Knott - 117 Wood Terrace – inquired if there is anything in the sign ordinance regarding the English language. Is there anything that requires the signs to be in English? Mayor Cherchi stated the sign can be in any language. The Planning Board has been successful in requesting the signs be at least partially in English as this would draw more business. Generally the applicants are agreeable.

APPROVAL OF MINUTES

Councilman Ryan made a motion to approve the Minutes of June 12, 2006 seconded by Councilman Hawkins. Roll call vote; all in favor none opposed.

Councilman Ryan made a motion to approve the Closed Session Minutes of June 12, 2006, seconded by Councilwoman Mitrani. Roll call vote; all in favor none opposed.

RESOLUTIONS

Councilman Ryan pulled Resolution 06-186 for discussion

Mayor Cherchi pulled 06-188 and 06-185 for discussion

Resolution 06-185 – Grant for Landscaping in Sylvan Park Mayor Cherchi explained the grant. It is a matching grant \$25,000 from Open Space Trust. The Borough Clerk reviewed and explained to the Council that this is the contract for a grant previously applied for. The Borough Clerk read the scope of work in the grant application. The Governing Body requested to see a copy of the application for the next meeting. Resolution held until July 17, 2006.

Resolution 06-186 – Mayor Cherchi read the letter attached to the resolution from Birdsall Engineering regarding inlets. This is for a change order for 2005 Road Improvement Program. The Council discussed the Resolution. Mayor Cherchi asked to have a resolution on every project to protect the Borough on Liability. Councilwoman Mitrani inquired what an inlet was. Mayor Cherchi stated it is a catch basin that was in need of repair. Councilwoman Heveran made a motion to approve Resolution 06-186, seconded by Council President Puzzo. Roll call vote; all in favor (Councilman Raucci absent) none opposed. Resolution approved.

Resolution 06-188 – Borough Attorney explained the resolution. This resolution makes it clear that they do not need to go for a variance. Mayor Cherchi noted that they should go for a site plan. The Borough Attorney stated they do not need a site plan. Mayor Cherchi was hoping that if they went for site plan perhaps a screen or something could be put around it. Mr. Giblin stated this should have been apart of the original proposal. Council President Puzzo made a motion to approve Resolution 06-188, seconded by Councilwoman Heveran. Roll call vote; all in favor (Councilman Raucci absent) none opposed. Resolution approved.

Councilwoman Mitrani inquired Resolution 06-189 if there was a maintenance agreement part of this contract for the generator? Councilman Hawkins stated most generators this size have a scheduled starting time where the generator starts up automatically and runs for 15 minutes. Borough Attorney Giblin noted that there is a two year warranty on the generator.

Council President Puzzo made a motion to approve Resolution 06-182, through 06-184 06-187 and 06-189, seconded by Councilwoman Heveran. Roll call vote; all in favor none opposed (Councilman Raucci absent). Resolutions approved.

Councilwoman Heveran approved Resolution 06-190, seconded by Council President Puzzo. Roll call vote; all in favor none opposed, (Councilman Raucci absent). Resolution 06-190 approved.

ADOPTION OF ORDINANCES

Adoption of Ordinance 07-06 entitled:

AN ORDINANCE CREATING A CERTAIN HANDICAPPED PARKING SPACE AND AMENDING A PORTION OF CHAPTER 194 OF THE CODE OF THE BOROUGH OF LEONIA

Borough Clerk read by Title

Public Hearing no one spoke

Councilperson Ryan made a motion to approve on first reading Ordinance 07-06, seconded by Council President Puzzo. Roll call vote; all in favor, none opposed, Ordinance 07-06 introduced.

A motion was made by Councilperson Hawkins seconded by Councilperson Mitrani to adopt on final reading Ordinance 07-06.

ROLL CALL Councilperson Hawkins, Heveran, Mitrani Ryan, Puzzo voted yes. Councilman Raucci was absent. Ordinance 07-06 approved.

Adoption of Ordinance 08-06 entitled:

AN ORDINANCE TO AMEND CHAPTER 236 OF THE CODE OF THE BOROUGH OF LEONIA ENTITLED "SITE PLAN REVIEW"

Borough Clerk read by Title

Public hearing no one spoke

Councilperson Heveran made a motion approve on final reading Ordinance 08-06, seconded by Councilperson Hawkins.

ROLL CALL Councilperson Hawkins, Heveran. Mitrani, Ryan, Puzzo, voted yes. Councilman Raucci was absent Ordinance 08-06 adopted.

Adoption of Ordinance 09-06 entitled:

AN ORDINANCE ESTABLISHING REGULATIONS GOVERNING THE DESIGN, LOCATION AND PLACEMENT OF SIGNS AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF.

Borough Clerk read by Title

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Public Hearing no one spoke

Councilperson Hawkins made a motion approve on final reading Ordinance 09-06, seconded by Councilperson Puzzo.

Councilman Ryan questioned the enforcing the signs in English. Borough Attorney Giblin stated it cannot be done there is a Supreme Court Ruling on this issue.

ROLL CALL Councilperson Hawkins, Heveran, Mitrani, Ryan, Puzzo, voted yes; Councilman Raucci was absent, Ordinance 09-06 adopted.

Adoption of Ordinance 10-06 entitled:

AN ORDINANCE TO AMEND CHAPTER 290 OF THE CODE OF THE BOROUGH OF LEONIA ENTITLED "ZONING"

Borough Clerk read by Title

Public Hearing no one spoke

Councilperson Heveran made a motion approve on final reading Ordinance 10-06, seconded by Councilperson Puzzo.

ROLL CALL Councilperson Hawkins, Heveran, Mitrani, Ryan, Puzzo, voted yes; Councilman Raucci was absent. Ordinance adopted.

Adoption of Ordinance 11-06 entitled:

AN ORDINANCE TO FIX OR REPORT SALARIES, WAGES OR COMPENSATION TO AND TO ESTABLISH SALARY & WAGE RANGES OF CERTAIN OFFICERS, EMPLOYEES AND PUBLIC SERVANTS OF THE BOROUGH OF LEONIA, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY FOR THE YEAR BEGINNING AND RETROACTIVE TO JANUARY 1, 2006

Borough Clerk read by Title

Public Hearing no one spoke

Councilperson Puzzo a motion approve on final reading Ordinance 11-06, seconded by Councilperson Hawkins.

Councilwoman Heveran referred to a letter she had in her hand and expressed concern that an employee was not receiving what was in the range. Borough Attorney Giblin reviewed the letter, and the Salary Ordinance is line with letter.

ROLL CALL Councilperson Hawkins, Heveran, Mitrani, Ryan, Puzzo, voted yes; Councilman Raucci was absent. Ordinance adopted.

321 **UNFINISHED BUSINESS**

322
323 a) Tree for Triangle July 17, 2006

324
325 **NEW BUSINESS**

326 a) Local assistance Board/Emergency Relocation Officer (Councilwoman
327 Heveran) Councilwoman Heveran explained a situation that occurred on Spring
328 Street regarding a resident and her children who had to be relocated. According to
329 Borough Ordinance the landlord is supposed to be responsible for paying to house
330 those individuals while the situation is being rectified. Several years ago there
331 was a similar situation when a child was bit by a rat. OEM took care of finding a
332 place for the family. Councilwoman Heveran tried to reach out to Ms. Raimondo
333 who was on vacation. Upon her return she contacted Councilwoman Heveran and
334 told her that was beyond her scope. Ms. Raimondo is only responsible for welfare
335 cases. Ms. Raimondo explained that in Fort Lee there is a designated person that
336 everyone knows to go to. In the past in Leonia it was Chief Greiner in his capacity
337 as OEM Coordinator. Councilwoman Heveran was able to get in touch with Sgt.
338 Valentine who is the current OEM Coordinator, who has a fund that St. John's
339 established for emergencies. The emergency has now turned into a three week
340 long situation. No one seems to know who to go to. There needs to be a plan to
341 handle this situation. Mayor Cherchi asked who the landlord was. Dr. Kazmir is
342 the landlord and he has resisted in paying the bill. Borough Attorney said there is
343 usually some kind of fund that would be used in this situation. The term
344 emergency relocation officer is the term they use in Fort Lee. Councilman Ryan
345 feels the town absolutely does have a responsibility. We do have a responsibility
346 to cover this person's bill. The landlord gave a credit card that wasn't good. The
347 Borough Attorney said if we have an ordinance it is the landlord's responsibility.

348
349 At this point in the meeting Council President Puzzo extended the meeting until
350 10:30, seconded by Councilwoman Heveran all in favor none opposed.

351
352 Councilwoman Heveran would like to make a recommendation that the OEM
353 Coordinator be this point person and that the staff at Borough Hall as well as the
354 Governing Body know who this person is. The Governing Body discussed the
355 situation.

356
357 b) Recreation Appointment (Councilman Hawkins) Councilman Hawkins handed
358 out the Borough Code and the State Code on the Alternates to the Recreation
359 Commission. Both the Borough Code and the State Code say that recreation
360 alternates are appointed by Governing Body not the Mayor. Councilman Hawkins
361 feels that the current appointments are not valid. Mayor Cherchi referred to an
362 opinion from 1999 prepared by a former Borough Attorney that says he has the
363 power to appoint members to the recreation commission. Borough Attorney
364 Giblin says that the alternates can be provided for and shall be selected by the
365 Governing Body. The Borough Code says that the Alternates will be appointed
366 with the advice and consent of the Council and it is consistent with State Law.

The Mayor makes the appointment and they can accept or deny the appointments. Mayor Cherchi asked for time to read the Statute. Borough Attorney Giblin stated that State Law states there is a distinct difference in the appointment of alternates. Councilman Hawkins asked what the status of the current alternates is. Mr. Giblin inquired when they were appointed. The Mayor has 30 days after a vacancy to occurs to make an appointment or it reverts to the Council to fill. There was a vacancy in one position which is Dr. Porras and the other appointment is Arnold Trachtenberg who was appointed on June 12. Councilman Ryan asked if Councilman Hawkins is saying the Council didn't act in a timely basis. Mr. Giblin explained the procedure to be followed. In the case of Dr. Porras Councilman Hawkins asked what happens to his appointment? Councilman Hawkins made a motion to appoint Judah Zeigler to replace Dr. Porras, seconded by Council President Puzzo. Discussion by the Council, Councilwoman Heveran stated that before tonight Dr. Porras was the Alternate and the appoint was made without the vote of the Council and someone needs to be appointed his place. Borough Attorney Giblin stated two motions would have to be made one to remove Dr. Porras and one to appoint the new Alternate and you have to designate which alternate he/she is. Mayor Cherchi stated that even though the Council last year would have probably approved Dr. Porras. Councilman Hawkins withdrew his motion and made a new motion to rescind the Mayor's appointment Dr. Porras as Alternate II from the Recreation Commission, seconded by Councilman Puzzo. Councilwoman Mitrani asked what happens to the vacancy. Borough Attorney Giblin stated he was never properly on the Commission. Roll call Councilpersons Hawkins, Heveran, Puzzo voted yes. Councilpersons Mitrani and Ryan voted no motion approved. Councilman Raucci absent.

Councilman Hawkins made a motion to appoint Judah Zeigler as Alternate II to the Recreation Commission, seconded by Council President Puzzo. Councilman Ryan expressed concern about the appointment. Councilman Ryan stated that he received unsolicited information that the person nominated has failed to fill some very important duties this year. Mayor Cherchi asked if Mr. Zeigler would like to be an alternate. Councilman Hawkins stated he spoke to him and he would love to serve as an alternate. Council President Puzzo stated in defense of Mr. Zeigler, he served for many years on the Commission and has been responsible for many of the improvements. Serving as Alternate member really carries very little responsibility where he would not be impacting the overall running of the recreation department. Councilwoman Mitrani brought up that Mr. Zeigler was Chairman of the Recreation Commission when they were twice cited in the audit report for not reconciling the bank statements once a month and the second time led to the problem we had in Borough Hall with the disappearance of money because the recreation did not reconcile its books for a period of couple of years and did not realize they were missing money that should have been deposited in their account. Council President Puzzo commented that we fell short of the responsibilities of the CFO and the CFO should have found the error. Councilwoman Mitrani felt that it was the responsibility of the Chairman of the Recreation Commission to oversee the Department. Councilwoman Mitrani also

noted that she tried repeatedly to meet with Mr. Zeigler regarding the landscaping in the parks. I met with various members of the Commission and Mr. Zeigler consistently refused to meet with me.

Roll call vote; Councilpersons Hawkins, Heveran and Puzzo voted yes. Councilpersons Ryan and Mitrani voted no motion approved.

c.) Community Development Block Grant Applications - The Borough Clerk brought to the attention of the Governing Body that a decision needed to be made as to what project the Governing Body would like to do for CDBG Funding. The Borough Clerk pointed out the area that is considered CDBG grid on the attached map.

At this point Councilman Hawkins made a motion to extend the meeting until 10:45, seconded by Councilwoman Heveran. All in favor none opposed.

The Council directed the Borough Clerk to move forward with the application.

CORRESPONDENCE

Councilwoman Heveran brought forth the letter from Mrs. Cassidy referencing a replacement driver for the current one who will be on vacation for the month of August.

Councilman Hawkins made a motion to appoint Jamie Cardenas as a substitute Senior Van Driver, pending the police review of his driver's license seconded by Heveran. Councilwoman Heveran noted that he is driver for the school she works at and he is a very safe and reliable driver. Roll call vote; Councilpersons Hawkins, Heveran and Puzzo voted yes. Councilman Ryan voted no.

Councilwoman Mitrani brought up the letter received from residents regarding gasoline usage. Mayor Cherchi requested the letter be placed on the next agenda.

Councilwoman Mitrani asked about the letter received from the LTA? Letter held until the next meeting.

Councilwoman Heveran brought up a letter received from Ms. Cassidy as to why her salary is not retroactive until January. Mayor Cherchi explained his understanding of the letter. This will be discussed in Closed Session for the next Council Meeting.

Councilwoman Mitrani inquired of Mr. Giblin where the Borough stood on the Change Order for Sylvan Park for the fence? Mr. Giblin explained his position and conversation he had with Mr. Valenti from the Department of Community Affairs.

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COMMENTS FROM THE PUBLIC

None

CLOSED SESSION (Resolution J)

A motion was made by Councilperson Puzzo to go into Closed Session, seconded by Councilperson Heveran. All in favor none opposed.

A motion was made by Councilperson Puzzo to adjourn seconded by Councilperson Hawkins. All in favor none opposed.

There being no further business of the before the Council the meeting was adjourned at 10:40PM

Respectfully submitted,

Frances Lehmann
Borough Clerk